APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,275	08/31/2000	Bruce A. Brandt	08049.009	3088

22852   7590   05/09/2002

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EXAMINER
SCHLAK, DANIEL K

ART UNIT	PAPER NUMBER
3653	

DATE MAILED: 05/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	Application No.	Applicant(s)
	09/652,275	BRANDT ET AL.
	Examiner	Art Unit
	Daniel K Schlak	3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _18 January 2002_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-140_ is/are pending in the application.

    4a) Of the above claim(s) _1-36 and 71-106_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _37-70 and 107-140_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _31 August 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

U.S. Patent and Trademark Office

PTO-326 (Rev. 04-01)   Office Action Summary   Part of Paper No. 8

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of group II in Paper No. 7 is acknowledged.

Claims 1-36 and 71-106 have been removed from consideration by the Examiner.

Information Disclosure Statement

The 2 Japanese references (JP 4160581 A2 and JP 6154710 A2) and the Dutch

patent (NL 850115015) have been considered only insofar as their English abstract

allows. The Examiner has no way of ascertaining the nature of the disclosure of these

documents.

Specification

The disclosure is objected to because the Summary of the Invention section does

not include a description of the claimed subject matter. Further, it does not suggest a

utility for any elements of the elected claims.

The Summary of the Invention should adequately describe the identification code

reader unless applicant feels that the code reader is well known in the art, the

identification code itself in the case that applicant feels that the identification code is a

key aspect of the novelty of the invention, and above all the Summary of Invention

should describe the sorter application software and assert a utility for it which

distinguishes it over known software which is used to communicate between mail

sorters and their associated computer control systems, databases, etc.

Of course, this should be included only insofar as it has already been described

in the detailed description.

Appropriate correction is required.

Note from Examiner

In the absence of a descriptive Summary of the Invention, and a background

summary which does not describe the most closely related prior art in any detail, the

Examiner cannot establish what the Applicant feels is the actual improvement over the

art being set forth in this application. Is it the "common sorter" software, the

Identification code, or the use of a server to communicate with the mail processing

device?

Thus, insofar as the elements of the independent claims exist in the art, they

have been duly rejected below. As so many references anticipate the broad

independent claims, no allowability or suggestions thereof are here proposed. Further,

the Examiner cannot assert that the search performed was complete. In fact, the

search might have been completely irrelevant to the applicant's intended invention.

However, such things are hard to determined when multiple references are retrieved

which anticipate the claims and the Summary of Invention is so short and directed to a

non-claimed (non-elected) invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 37-70 and 107-140 are rejected under 35 U.S.C. 102(b) as being

anticipated by WO98/17405.

The Examiner is using US 6,292,709 B1 as an English translation of that

document, it being believed that all of the elements used for rejection here are present

in the PCT application published 4/30/1998.

See figure 13 and column 10. The reference teaches a mail processing device,

an identification code reader connected to the mail processing device, and sorter

application software for communicating between the mail processing device and an

identification code server.

The identification code server is explicitly labeled "ID Tag server". The bar code

reader (422) is the identification code reader. The sorter application software is

naturally inherent in the control (421), and the ID-Tag server and sorter themselves, as

a server cannot communicate with a mail sorter without some form of pertinent

software, said software being considered sorting application software, because it deals

with (transfers) bar code information being sent to the server, and decisions being sent

to the sorter, all of which deal with sorting information.

The Examiner considers the sorters of the reference to be Mail Processing Bar

Code Sorters (as they process mail and use bar code), Delivery Bar Code Sorters (as

they assemble mail for delivery and use bar code), Carrier Sequence Bar Code Sorter

(as they eventually deliver sorted mail to a carrier and use bar code), and Output

Subsystem/Bar Code Sorters (as they are output sorters which are in themselves a

subsystem and use bar code). The Examiner considers the code reader a RBCS ID

Tag reader because the reader reads an ID Tag in a bar code system which is remote

of the server. The code reader is a Universal ID Tag reader because the ID Tag is also

used by the network and other sorters.

As the system of Figure 13 is to be used in communication with identical systems

along the network connection shown, the code server is a primary ICS server and the

second, third, etc. servers in communication therewith are secondary ICS servers.

(Applicant is reminded that, unless it is wished that this application serve as

lexicography code in itself, the capitalization of terms and acronyms are interpreted as

broadly as possible. In any instance, the Examiner believes this reference matches up

well with the devices and systems discussed in the specification.

WO98/17405, via US 6,292,709, teaches the method of reading an ID code from

a mailpiece using an ID code reader, transmitting the identification code to an

identification code server, via "sorter application" software, and processing mailpiece

information between the sorter and the ID code server, via "sorter application" software.

The reference inherently teaches the code and computer readable medium

described in relation to the system. Although it is never described verbatim in the

reference, it is just as inherent in the system of the reference as it is inherent and not

taught verbatim by the instant application.

Claims 37-70 and 107-140 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,249,687.

The Examiner interprets CPU 23' as a server, insofar as it serves as the central processor and controller for at least three workstations, a communion network adaptor, a bar code reader, a shared printer, and offers communication capability with a sorter and the network itself, along the bus. Again, the "sorting application" software is inherent, in that it is impossible for the sorting machine hardware to connect to the bus without code translation or emulation of some sort.

Bar code reader is explicitly shown. The identification code of the mailpiece is described in column 5, lines 8-10. The bus and other data communication elements are described in column 6, lines 22-40.

The system of the reference creates a serial number for each mailpiece, associates it with an electronic file, and offers complete shared access along a bus, which connects to a network along 29.

A description of the general nature of this type of sorting device/method is given in column 1. Again, it is difficult for the Examiner to infer what the advantages of the claimed invention of the instant application are over this description.

Again, the computer readable medium and code of claims 69 and 139 are inherent in the fact that the reference has the components of claim 1 and performs the method of claim 47. The system of the reference would not function without such a code.

Explicitly taught are the reading of an ID code from the mailpiece, transmitting

the ID code to an ID code server (controlling/serving PCU) via software, and processing

mailpiece information (the electronic file and/or sorting instructions) between the sorter

and the server, via the software.

The Examiner considers the sorters of the reference to be Mail Processing Bar

Code Sorters (as they process mail and use bar code), Delivery Bar Code Sorters (as

they assemble mail for delivery and use bar code), Carrier Sequence Bar Code Sorter

(as they eventually deliver sorted mail to a carrier and use bar code), and Output

Subsystem/Bar Code Sorters (as they are output sorters which are in themselves a

subsystem and use bar code). The Examiner considers the code reader a RBCS ID

Tag reader because the reader reads an ID Tag in a bar code system which is remote

of the server. The code reader is a Universal ID Tag reader because the ID Tag is also

used by the network and other sorters.

As the system of Figure 1 is to be used in communication with identical systems

along the network connection shown, the code server is a primary ICS server and the

second, third, etc. servers in communication therewith are secondary ICS servers.

Claims 37-70 and 107-140 are rejected under 35 U.S.C. 102(b) as being

anticipated by US 5,667,078.

As this reference is similar to US 5,249,687, the rejection is identical. The

reference numbers correspond exactly. Figure 2 gives the most detailed portrayal of

the elements of the independent claims of the instant application.

Claims 37-70 and 107-140 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,518,122.

The non-real-time CPU (275) of this reference is interpreted as the server. It communicates and controls the timing of real-time CPU, serving as the highest layer of a multi-tiered system including state supervisor, encoder supervisor, inserter supervisor, etc.

The system is modular, intended to be used with other similar systems, and providing communication links therebetween. Barcode reader (220) sends barcode information to the real-time CPU, at which time an electronic file is accessed via several alternate means. All communications are performed along a bus, and are controlled directly via a real-time CPU but run via the non-real time PC, as concerns the timing of information exchange, user prompts, etc. Sorting is performed Although the barcode reader is not directly related to an "Identification code" as defined by applicant, the reader, mail processing device, and sorter application software exist as claimed in the independent claims of the instant application.

The code itself, its contents, its use, etc, has not been claimed in the claims of the instant application. Therefore, as the reference uses a code to identify and sort documents, it still anticipates the claims through comprising all the elements of the apparatus claims and teaching the method claims.

The Examiner considers the sorters of the reference to be Mail Processing Bar Code Sorters (as they process mail and use bar code), Delivery Bar Code Sorters (as

they assemble mail for delivery and use bar code), Carrier Sequence Bar Code Sorter

(as they eventually deliver sorted mail to a carrier and use bar code), and Output

Subsystem/Bar Code Sorters (as they are output sorters which are in themselves a

subsystem and use bar code). The Examiner considers the code reader a RBCS ID

Tag reader because the reader reads an ID Tag in a bar code system which is remote

of the server. The code reader is a Universal ID Tag reader because the ID Tag is also

used by the network and other sorters.

The Examiner notes, for the record, his interpretation of the term "server".

A "server" is defined by Webster (10th Edition) as being "a computer in a network

that is used to provide services (as access to files or shared peripherals or the routing of

electronic mail) to other computers in the network.

Thus, the presence of a bus in each reference, with at least a plurality of

components, each comprising a processor itself, controlled by a master PC, evidences

of a server, even though the word "server" is not used.

Further, it is clear from the above definition and from the Examiner's own use of

email that an Email server in an agency, company, or firm, also anticipates the

independent claims of the instant application. As email is sorted on each user's PC

and each email is associated with an identifier on the network and in the server.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. ***

Other references which anticipate the claims are to be found in the cited art, as well as in the IDS.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel K Schlak whose telephone number is 703-305-0885. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-306 - 4173. The fax phone numbers for the organization where this application or proceeding is assigned are 703-306-4195 for regular communications and 703-306-4195 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308 - 1113.

dks
May 6, 2002

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